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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,587	12/27/2001	Gerald K. Sosalla	1443.028US1	1705

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EXAMINER

KIM, EUGENE LEE

ART UNIT PAPER NUMBER

3721

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

8C

Office Action Summary

Application No.

10/034,587

Applicant(s)

SOSALLA, GERALD K.

Examiner

Eugene Kim

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8 line 2, there is no antecedent basis for "the textured roller".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-7, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by De Ligt (#3,784,188). De Ligt shows a first belt wherein the continuous web is stuck on the belt at point 21 (fig 12) and a first pair of pulleys 31a, 34 with a gripper 36 that opens at one of first pair of pulleys 31a (fig 1). De Ligt shows a plurality of pulleys with a plurality of belts 25, 26 attached to the pulleys (fig 12) to fold a web into a stack. The gripper opens at the pulleys as shown in fig 12. A tucking finger mates with the gripper while the gripper is open. De Ligt shows the first belt moving the web to a first side of the stack since the web is moving to a gripper as shown in figure 12 which forms the first side of the stack.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 18, 19, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Ligt. De Ligt does not show the perforated web as claimed or the length of gripping as claimed. Examiner takes official notice that it is well known in the art to use perforated webs. Regarding the particular length being gripped as well as the angle relative to the vertical for the belts, the examiner notes that optimum ranges, such as angles and lengths, would involve only routine skill in the art. See in re Swain et al, 156 F.2d 239. The actual length to be grabbed is a matter of design choice to fold the web at a particular length.

7. Claims 4, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Ligt in view of Winnemoller et al (#3,927,875). De Ligt substantially shows the claim including more than five pulleys and multiple belt means as shown in figure 12. De Ligt does not show the textured roller as claimed. Winnemoller et al show a roller 17 that aids in feeding a web to a smooth belt. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide De Ligt with a textured roller as taught by Winnemoller et al to better control the feeding of the web. Regarding the plurality of belts, De Ligt shows a plurality of belts 25, 26 feeding the web. Regarding the plurality of textured rollers and belts as claimed, the examiner notes that it is

obvious to duplicate parts for a multiplied effect. See *St Regis Paper Co v. Bemis Co, Inc*, 193 USPQ 8, 11 (7th Cir 1977). Regarding the location of certain elements, such as the exact location of the tucker finger or textured roller, the examiner notes that it would have been obvious to shift the location of the tucking finger to the position of where the user wants to operate the tucking finger. Furthermore, shifting the location of the tucking finger would not modify the operation. See *In re Japikse*, 86 USPQ 70 (CCPA 1950). Regarding the shaft means, the pulley means of *De Ligt and Winnemoller* inherently have some shaft means supporting the pulleys. Furthermore, the examiner takes official notice that it is well known in the art to support pulleys on shaft means as well as rotating tucking finger means on shaft means.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Kim whose telephone number is (703)308-1886. The examiner can normally be reached on Tuesday-Friday 7:30 a.m - 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703)308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

A handwritten signature in black ink, appearing to read "Eugene Kim". The signature is stylized with a large, looped initial "E" and a cursive "Kim".

Eugene Kim
June 12, 2003